

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LOGGERHEAD TOOLS, LLC,)
Plaintiff,)
v.) No. 1:12-cv-09033
SEARS HOLDINGS CORPORATION and) Hon. Judge John W. Darrah
APEX TOOL GROUP, LLC,)
Defendants.)

**SEARS' MOTION TO EXCLUDE
THE TESTIMONY OF CHRISTOPHER J. BOKHART**

Pursuant to Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharms.*, Inc., 509 U.S. 579 (1993), Defendant Sears Holdings Corporation (“Sears”) respectfully requests that this Court exclude the report and testimony of Plaintiff LoggerHead’s proffered damages expert, Mr. Christopher J. Bokhart. Bokhart’s fraud damages theory is directly contrary to two Seventh Circuit cases applying applicable Illinois law, irrelevant to the allegations pleaded in the complaint, and premised on a blatantly erroneous assumption that he does not that he does not purport to analyze. The proffered testimony is unreliable, irrelevant, and inadmissible.

In support of this motion, Sears submits an accompanying memorandum of law and exhibits.

WHEREFORE, Sears respectfully requests that this Court exclude the report and testimony of Mr. Christopher J. Bokhart on the issue of fraud damages.

Dated: June 1, 2016

Respectfully submitted,

/s/ James M. Hilmert

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CERTIFICATE OF SERVICE

I, James M. Hilmert, an attorney, hereby certify that on June 1, 2016, I caused a true and correct copy of the foregoing to be filed electronically with the Clerk of the Court by using the CM/ECF system, which will send notice of electronic filing to all parties and counsel of record.

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